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7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Statement of Issues  
11 Against:

Case No. *2010-185*

**STATEMENT OF ISSUES**

12 **MARY ANN OBALDO RAMIREZ**

13 **2089 Larsen Place**  
**Santa Clara, CA 95051**  
14 **Registered Nursing License, Applicant.**

15  
16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in  
19 her official capacity as the Interim Executive Officer of the Board of Registered Nursing,  
20 Department of Consumer Affairs.

21 2. On or about April 2, 2008, the Board of Registered Nursing, Department of  
22 Consumer Affairs received an Application for Licensure by Examination from Mary Ann  
23 Ramirez (Applicant). On or about March 27, 2008, Mary Ann Ramirez certified under penalty of  
24 perjury to the truthfulness of all statements, answers, and representations in the application. The  
25 Board denied the application on August 10, 2009.

26 **JURISDICTION**

27 3. This Statement of Issues is brought before the Board of Registered Nursing (Board),  
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 STATUTORY PROVISIONS

3 4. Section 2736 of the Business and Professions Code (Code) provides, in pertinent part,  
4 that the Board of Registered Nursing (Board) may deny a license when it finds that the applicant  
5 has committed any acts constituting grounds for denial of licensure under section 480 of that  
6 Code.

7 5. Section 480 of the Code states:

8 "(a) A board may deny a license regulated by this code on the grounds that the applicant  
9 has one of the following:

10 "(1) Been convicted of a crime. A conviction within the meaning of this section means a  
11 plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a  
12 board is permitted to take following the establishment of a conviction may be taken when the  
13 time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when  
14 an order granting probation is made suspending the imposition of sentence, irrespective of a  
15 subsequent order under the provisions of Section 1203.4 of the Penal Code.

16 ...

17 "The board may deny a license pursuant to this subdivision only if the crime or act is  
18 substantially related to the qualifications, functions or duties of the business or profession for  
19 which application is made.

20 ..."

21 6. Section 2761 of the Code states:

22 "The board may take disciplinary action against a certified or licensed nurse or deny an  
23 application for a certificate or license for any of the following:

24 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

25 ...

26 "(f) Conviction of a felony or of any offense substantially related to the qualifications,  
27 functions, and duties of a registered nurse, in which event the record of the conviction shall be  
28 conclusive evidence thereof. ..."

1 CAUSE FOR DENIAL OF APPLICATION

2 (CRIMINAL CONVICTION)

3 7. Applicant's application is subject to denial under sections 2736, 480(a)(1), and/or  
4 2761(f) in that on or about June 9, 2009, in a criminal proceeding entitled *People vs. Maryann*  
5 *Obaldo Ramirez*, in Santa Clara County Superior Court, Case Number CC825060, Applicant was  
6 convicted by plea of nolo contendere of violating Vehicle Code section 23103(a) (reckless  
7 driving) and Penal Code section 415(2) (disturbing the peace). The circumstances are as follows:

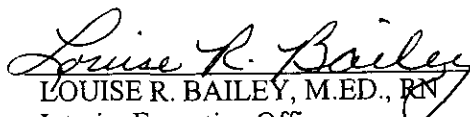
8 a. On or about October 10, 2008, Applicant was arrested after "doing donuts" in  
9 her vehicle in a church parking lot in Campbell, California. When Campbell Police ordered  
10 Applicant to exit her vehicle, she locked the car doors and refused to acknowledge the police in  
11 any way. She subsequently backed her vehicle into a police car, whereupon the Campbell Police  
12 broke her car window, removed the keys from the ignition, and removed Applicant from the  
13 vehicle. Applicant was sentenced to two years probation.

14 PRAYER

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
16 and that following the hearing, the Board of Registered Nursing issue a decision:

- 17 1. Denying the application of Mary Ann Obaldo Ramirez for a Registered Nursing  
18 License;  
19 2. Taking such other and further action as deemed necessary and proper.

20 DATED: 10/5/09

21   
22 LOUISE R. BAILEY, M.ED., RN  
23 Interim Executive Officer  
24 Board of Registered Nursing  
25 Department of Consumer Affairs  
26 State of California  
27 Complainant

28 SF2009404879